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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,002	10/18/1999	MARC A. COHEN		2196

22208 7590 09/25/2003

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[REDACTED] EXAMINER

HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
2645	19

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

10

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/420,002	COHEN ET AL.
	Examiner	Art Unit
	Allan Hoosain	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on Amendment C, 6/30/03.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 13-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 13-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13,16,17 and 20 recite the limitation "the Internet" in line 1 respectively. There is insufficient antecedent basis for this limitation in the claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13-28 are rejected under 35 U.S.C. 102(e) as being anticipated by **Angles et al.** (US 5,933,811).

As to Claims 13,23-25, with respect to Figures 3-4, **Angles** teaches a method of direct advertising over the Internet, comprising:

applying an electronic page (first database) of information at a content provider computer (web site) (Figure 4, labels 14 and 32);

applying a customer database (second database) having a multiplicity of attributes which are unique to a given individual (Figure 8, label 800),

applying an advertisement database (third database) of a plurality of advertising messages that are transmittable over the network (internet) (Figure 8, label 802 and Figure 4, label 70),

linking the first, second and third databases to the web site, receiving a visit to the web site over the Internet from an individual (Figure 3, label 302),

determining the identity of the individual in the second database, analyzing registration data (culling attributes) for the individual from the second database based on their identity (Figure 8, label 800),

selecting a message based on the culled attributes (Figure 8, label 802),

transmitting the selected message to the consumer over the Internet (Figure 4, label F and Figure 7, label 714), and

transferring the information to the consumer over the Internet (Figure 4, label F and Figure 7, label 718).

As to Claims 14-15,18-19,21-22, **Angles** teaches a method of directed advertising over the internet as claimed in claim 13 further comprising:

- (i) selecting an additional advertising message based on the culled attributes (Figure 7, label 720),
- (ii) transmitting the additional advertising message to the consumer over the Internet,

- (iii) transferring additional information to the consumer over the Internet, and
- (iv) repeating steps (i)-(iii) (Figure 7);

As to Claims 16-17,20,26-28, with respect to Figures 3-4, **Angles** teaches a method of making offers over the Internet, comprising:

creating a first database of information at a content provider computer (web site) (Figure 4, label 32),

creating a second database of demographic information having a multiplicity of attributes for each of a plurality of individuals, each individually having an identity (Figure 5),

creating a third database of a plurality of advertising messages that are transmittable over the Internet (Figure 4, label 70),

the third database further including a vendor link for contacting over the internet a vendor sponsoring the advertising message (Figure 4, label B),

linking the first, second and third databases to the web site (Figure 4),

receiving a visit to the web site over the Internet from an individual (Figure 3, label 302),

determining the identity of the individual in the second database (Figure 8, label 800),

culling attributes for the individual from the second database based on their identity (Figure 8, label 800),

selecting an advertising message based on the culled attributes (Figure 8, label 802),

transmitting the selected message to the consumer over the Internet (Figure 7, label 714),

transferring the information to the consumer over the Internet (Figure 7, label 718),

transmitting the vendor link over the Internet (Figure 4), and

connecting the consumer to the vendor when the consumer activates the vendor link (Figure 4).

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 13-28 have been considered but are moot in view of the new ground(s) of rejection and the following:

The amendment to the claims did not overcome the 35 USC 112 rejections in the 1/30/03 Office Action. This is because the word 'the' in "the Internet" lacks antecedent. Appropriate correction is required.

Also, Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2645

**Bull et al.** (US 5,995,943) teach a system which provides customized and personalized information to users.

**Robinson** (US 5,918,014) teaches providing information to community of users.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
Primary Examiner  
9/11/03